IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

W.P.NO.364 OF 2005

Union of India & Ors. ..Petitioner

Vs.

Shri.Ramakant Dhondajirao Shinde ..Respondent

...

Mr.R.V.Shetty with Mr.Y.R.Mishra i/b
Dr.T.C.Kaushik Advocate for Petitioner
Mr.N.M.Ganguli Advocate for Respondent

...

CORAM: F.I.REBELLO AND
SMT.V.K.TAHILRAMANI,JJ.
DATE : JUNE 6, 2006

P.C.

1. This petition is directed against the order dated 8.7.2004 passed by the learned Central Administrative Tribunal in Original Application No.799 of 2002. The Respondent was the original Applicant. The Respondent was charge-sheeted by the petitioners on the ground that he had not intimated to the petitioners that he had been arrested. An inquiry was conducted and he was found guilty. The Respondent was dismissed from service for that charge. Against this, the

Respondent approached the learned Tribunal. The learned Tribunal relied upon judgment of this Court in **Writ Petition No.1902 of 2003** in the case of **Union of India Vs. Ashok Ganpartrao Locharwar** which has taken a view that "non-information would amount to irregularity and not misconduct" and had dismissed the petition. The Tribunal followed the judgment and allowed the Original Application filed by Respondent No.3. It is this order which is the subject matter of this petition.

2. We may note here that the petitioners themselves had placed the Respondent on suspension after having the knowledge of the fact that the Respondent was arrested. Once the petitioners themselves were aware of the said fact and had taken steps to suspend the Respondent, the fact comes within the knowledge of the petitioners. Merely because Respondent did not communicate a known fact on which the petitioners had already acted, may at the highest, be termed as an irregularity. It may be true that person who is in government service must intimate such facts. The fact however, remains that this fact is already known to the petitioners and intimation thereof was

a mere formality. We have no reason to take a view different than the view taken by this Court in the case of Union of India Vs.Ashok Ganpatrao Locharwar, which we have already referred to earlier. For the aforesaid reasons, we find no error apparent on the face of record with the order of the Tribunal. Petition is dismissed. Learned counsel for the Respondent points out that the petitioners had not yet implemented the impugned order. Needless to say that petitioners are bound to implement the order at the earliest which has now been confirmed by this Court.

[F.I.REBELLO, J.]

[SMT.V.K.TAHILRAMANI,J.]